

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL CASE NO.: 4:17-CR-131-DMB-JMV-3

SCOTT E. NELSON, CHARLENE
BRANDON, WENDELL BRANDON
AND ANNETTE LOFTON

DEFENDANTS

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF WASHINGTON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the State and County aforesaid, the within named **EDWARD J. BOGEN, JR.**, who, being by me first duly sworn, stated on oath as follows, to-wit:

I, Edward J. Bogen, Jr., represent the defendant, Wendell Brandon, in a 13-count Indictment involving an alleged healthcare fraud conspiracy. Undersigned counsel for Wendell Brandon entered his appearance in this case on November 15, 2017. Thereafter, this Court originally set the case for trial on January 8, 2018.

Following a Motion for Continuance joined in by defendant Wendell Brandon, the Court continued the trial until April 9, 2018.

In mid-December, 2017, the United States Attorney's office provided undersigned counsel the Government's initial discovery (Discovery 1) which comprised 6,624 pages as shown in the Index provided by the Government, the same being attached to this Affidavit and marked as Exhibit "1".

Thereafter, on December 27, 2017, the Government provided defendant Wendell Brandon's counsel with supplementary discovery comprising 593,404 pages placed on a portable hard drive with 130 GB of data and chronologically Bates Stamped as shown on the attached Index provided by the Government and labeled Discovery 2 (see Exhibit "2" attached).

Since receiving the Government's discovery, defendant Wendell Brandon's undersigned counsel and his paralegal have been able to review approximately 10,000 pages along with four (4) of 10 videos and six (6) audio files.

Defendant Wendell Brandon's counsel is a single practitioner with a "support staff" which includes one paralegal and one secretary. In the opinion of undersigned counsel, and in order to provide defendant Wendell Brandon with effective assistance of counsel, it is our best good faith estimate that, in order to fully prepare for a trial given the magnitude and complexity of the Government's discovery, will require a minimum of six (6) to eight (8) months of additional time from the current trial date of April 9, 2018.

Defendant Wendell Brandon's counsel especially directs the Court's attention to Rule 1.1 of the Mississippi Rules of Professional Responsibility which states:

A lawyer shall provide *competent* representation to a client. Competent representation requires the legal knowledge, skill, **thoroughness and preparation** reasonably necessary for the representation. (emphasis added)

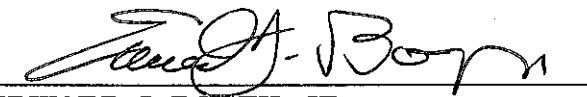
The Comment Section to this Rule under **Thoroughness and Preparation** states:

Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more elaborate treatment than matters of lesser consequence.

Defendant Wendell Brandon's counsel respectfully states to the Court that the right to a fair trial, and ultimately, his freedom depends, in significant part, upon his counsel's ability to thoroughly prepare for trial as required by the Rules of Professional Responsibility as well as the defendant's right to the effective assistance of counsel consistent with the 6th and 14th Amendment Standards for adequacy of representation in cases such as this now before the Court.

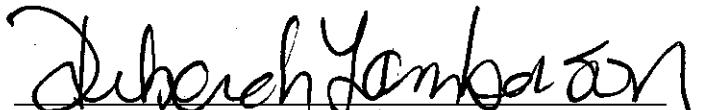
Defendant Wendell Brandon's counsel further states to the Court that failure to grant the requested Motion for Continuance, as set forth herein, may cause this defendant to suffer a miscarriage of justice, resulting from defendant's counsel not having reasonable time necessary in a case involving the magnitude and complexity of the Government's discovery to *effectively* prepare for trial.

And further affiant sayeth not.

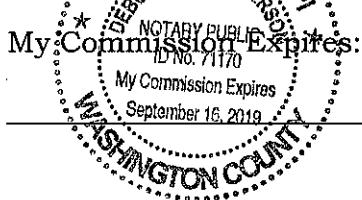


EDWARD J. BOGEN, JR.

SWORN TO AND SUBSCRIBED BEFORE ME on this, the 7th day of February, 2018.



Deborah A. Lamberson
NOTARY PUBLIC



PROD BEGDOC	PROD ENDDOC	FILENAME	PGCOUNT
1	7	7 OI-3a Jolly House Pics.pdf	7
1	157	157 Sanders_Lonnie 06-13 - 03-14 File 2.pdf	157
106	113	113 OI-3 Stacy Sykes.pdf	8
114	117	117 OI-3a Carols Corporate Structure.pdf	4
118	122	122 OI-3a Milestone new location.pdf	5
123	135	135 Pendleton notes.pdf	13
136	155	155 Dr Johnnie Cummings Interview docx.docx	20
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173	174	174 OI-221 12172013.pdf	2
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218	219	219 OI-44 Bill Stennett 12012014.pdf	2
220	220	220 OIM 10282013.pdf	1
221	227	227 Report of Interview With Barbara Respess Jan 16 2015.pdf	7
228	251	251 Report of Interview With Kelly Jolly Dec 3 2014.pdf	24
252	265	265 Report_Of_Interview_With_Dr_Scott_Nelson_Sept_4_2014	14
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278	284	284 OI-3 Alice Giron 07222014.pdf	7
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315	324	324 OI-3 Dorothy and Kandi Dodd 07242014.pdf	10
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343	350	350 OI-3 Robert Ray 07252014.pdf	8
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400	401 Clark0001.pdf	2
402	430 OI-3 Lara Thompson Proffer 04162015.pdf	29
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539	540 OI-3a MHI Records 03122015.pdf	2
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543	543 OI-3a Sandra Livingston Guilty Plea 07302015.pdf	1
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563	565 FBI 3022016-08-18-152752.pdf	3
566	605 OI-3 Dr Nate Brown Post Plea Debrief 02.07.2017.pdf	40
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628	628 Report of Interview - James Warrington Jr MD.pdf	1
629	630 Report of Interview With Dr Charles Brock on Mar 19 2013.	2
631	632 Report of Interview With Sandy Vines and Debbie Cole on A	2
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634	636 FinCEN_Request_Case_Summary.pdf	3
637	638 Memo_to_DEA_Re_Theresa_Roberts_Scripts_From_Nate	2
639	641 Report Of Investigative Activity -Delta Soul Hospice Medica	3
642	642 Report_Of_Investigative_Activity_-_Records_Request_at_C	1
643	644 Report_Of_Investigative_Activity_-_Records_Request_at_T	2
645	646 Interview_of_Eva_Meeks.pdf	2
647	648 Interview_of_Herman_Hill.pdf	2
649	650 Interview_of_Jacqueline_Robinson.pdf	2
651	654 Interview_of_Tangrea_Smith.pdf	4
655	656 Interview_of_Virginia_Clark.pdf	2
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670	670 Talmus_Allen_Interview.pdf	1
671	673 FBI 302 Cinda Hunter 2009.12.22.pdf	3
674	674 FBI 302 Sally Smith 2009.09.08.pdf	1
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679	685 Records from Att Boyd Atkinson.pdf	7
686	686 FBI 302 Annie Clark 2009.10.28.pdf	1
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815	825 MFCU Report Naomi Davis 2017.06.20.pdf	11
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833	834 OI-3 Brenda Douglas 2017.02.16.pdf^Douglas Subpoena_1.	2
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858	864 OI-3 Leonard Holmes 2017.03.02.pdf	7
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2436	2437 OI-3 Dr. Aman Munir 07.13.2017.pdf^OI-2 Dr Munir.pdf	2
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2929	2968 OI-3 Dr Nate Brown Post Plea Debrief 2017.02.07.pdf	40
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4561	4564 Onsite_Summary_Form_Comprehensive.doc	4
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4965	4967 Report of Interview Wlth Len Journey July 10 2015.pdf	3
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4980	4981 Report Of Investigative Activity - Attempt to Interview Gew	2
4982	4983 Report Of Investigative Activity Annie Williams Possible Uni	2
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5355	5355 OI-44 Pendleton Call 10122015.pdf	1
5356	5357 OI-44 Pendleton Email 12282015.pdf	2
5358	5359 OI-44 Pendleton Email to AUSA 01062016.pdf	2
5360	5361 OI-44 Pendleton Email to AUSA 01112016.pdf	2
5362	5363 OI-44 Pendleton Text 07202016.pdf	2
5364	5365 OI-44 Pendleton Text 11182015.pdf	2
5366	5368 OI-44 Pendleton Texts 01112016.pdf	3
5369	5369 OI-44 Phone Call 05072015.pdf	1

5370	5371 OI-44 Text 07222015.pdf	2
5372	5374 OI-44 Text and Phone Call 06082015.pdf	3
5375	5377 OI-44 Text from Katrice McCray 12072015.pdf	3
5378	5379 OI-44 Texts 06092015.pdf	2
5380	5380 OI-47 (Property Receipt) 04142015.pdf	1
5381	5384 OI-3A Recruited Bene Loss Amounts.pdf	4
5385	5386 Report Of Investigative Activity Medicaid Claims Paid To Re	2
5387	5387 OI-3a Mother Williams Rolls.pdf	1
5388	5512 Report Of Investigative Activity Rolls Royce Information.pdf	125
5513	5514 OI-221 08212015.pdf	2
5515	5522 OI-231 Ops Plan 08212015 ATTACHMENTS.pdf	8
5523	5528 OI-231.pdf	6
5529	5541 Report of Investigative Activity - Word of Deliverance - Phc	13
5542	5545 OI-3a Arrest in Rem 08212015.pdf	4
5546	5546 OI-29 (05192015).pdf	1
5547	5547 OI-3a CM Recordings 05192015.pdf	1
5548	5550 OI-221 (05202015).pdf	3
5551	5551 OI-29 (05202015).pdf	1
5552	5553 OI-3a CM Recordings 05202015.pdf	2
5554	5554 OI-221 (05212015).pdf	1
5555	5555 OI-29 (05212015).pdf	1
5556	5557 OI-3a CM Recordings 05212015.pdf	2
5558	5564 OI-221 (06102015).pdf	7
5565	5565 OI-29 (06102015).pdf	1
5566	5567 OI-3a CM Recordings 06102015.pdf	2
5568	5569 OI-221 (Surv Log 06112015).pdf	2
5570	5570 OI-29 (06112015).pdf	1
5571	5572 OI-3a CM Recordings 06112015.pdf	2
5573	5576 OI-44 Pendleton Texts 07252016.pdf	4
5577	5588 CHS Notes on Benes.pdf	12
5589	5599 CHS notes on file review.pdf	11
5600	5697 McClain S O File.pdf	98
5698	5707 OI-3 Tori Beth McClain 03272014.pdf	10
5708	5738 OI-3a Identified Hospices.pdf	31
5739	5746 FD-302 Pamela Hull 05272005.pdf	8
5747	5748 MFCU Report CFNP Cynthia Dotson 04152014.pdf	2
5749	5763 MFCU Report Connie Crocker 06062014.pdf	15
5764	5768 MFCU Report Mary Myers 04172014.pdf	5
5769	5771 MFCU Report Stacy Black 04032014.pdf	3
5772	5776 MFCU Report Theresa and Jessie Roberts 04032014.pdf	5
5777	5784 MFCU Report William Crocker 05302014.pdf	8
5785	5792 OI-2 Dr. Anne Brooks (Signed).pdf	8
5793	5795 OI-3 Brenda Green 04252007.pdf	3
5796	5798 OI-3 Cassandra Bridges 03072013.pdf	3
5799	5803 OI-3 Cheniqua Ellis 07252006.pdf	5
5804	5805 OI-3 Debra Lucas 10282013.pdf	2
5806	5808 OI-3 Denissa Nolan 05092008.pdf	3

5809	5812 OI-3 Dr Andrea Phillips 10252005.pdf	4
5813	5814 OI-3 Dr Edwin Searcy 11082005.pdf	2
5815	5817 OI-3 Dr Reginald Rigsby 05242006.pdf	3
5818	5820 OI-3 Dr Ronald Myers 04242007.pdf	3
5821	5822 OI-3 Evelyn Brown 11082005.pdf	2
5823	5826 OI-3 Evelyn Smith 11092005.pdf	4
5827	5829 OI-3 Gwendolyn Williams 11092005.pdf	3
5830	5836 OI-3 Jacqueline Crawley 03292006.pdf	7
5837	5840 OI-3 Janis Dunn 03302006.pdf	4
5841	5842 OI-3 Janis Dunn 12052008.pdf	2
5843	5849 OI-3 Jim Davis Hull 04152008.pdf	7
5850	5853 OI-3 Jim Davis Hull 10082008.pdf	4
5854	5868 OI-3 Joan Pannel 03132014.pdf	15
5869	5875 OI-3 Krystal Davis 03142007.pdf	7
5876	5877 OI-3 Leona Staples 04262007.pdf	2
5878	5881 OI-3 Mae Smith 10152014.pdf	4
5882	5885 OI-3 Mary Gunn 07102015.pdf	4
5886	5902 OI-3 Nykiea Edwards 03132013.pdf	17
5903	5908 OI-3 Ollie Hammond 07102015.pdf	6
5909	5913 OI-3 Penelope Jones 05102007.pdf	5
5914	5938 OI-3 Regina Swims-King Debrief 01272015.pdf	25
5939	5948 OI-3 Ruthie Norris 07012008.pdf	10
5949	5957 OI-3 Shannon Brower 05132008.pdf	9
5958	5961 OI-3A Betty Powell Sentencing 02112015.pdf	4
5962	5963 OI-44 Dr Andrea Smith 03112008.pdf	2
5964	5969 OI-44 Tori McClain 04262014.pdf	6
5970	5971 Medical_Director_Comprehensive_Hospice.pdf	2
5972	5974 Nate Brown Divorce Record.pdf	3
5975	5977 OI-3 Dr Nathaniel Brown 11082005.pdf	3
5978	5986 OI-3a Dr Brown IA 08092016.pdf	9
5987	6005 CHS 2016-08-11-101519.pdf	19
6006	6023 CHS2016-08-11-101625.pdf	18
6024	6045 CHS2016-08-11-101714.pdf	22
6046	6067 CHS2016-08-11-101806.pdf	22
6068	6070 Hospice Storm Stats RFI 01142016.pdf	3
6071	6072 Bonnie COle.pdf	2
6073	6075 Dr. Buckner part 2.pdf	3
6076	6079 Dr. Hill.pdf	4
6080	6081 Dr. Irene Buckner.pdf	2
6082	6090 FBI 302 2016-08-16-145124.pdf	9
6091	6092 FBI 302 Dr. Irene Buckner November 2009.pdf	2
6093	6097 FBI Reports on GENESIS Hospice.pdf	5
6098	6110 Master Report of Investigative Activity 5 Acre Purchase by I	13
6111	6111 OI-3 Annie King 01102005.pdf	1
6112	6112 OI-3 Bobbie Gort 01102005.pdf	1
6113	6116 OI-3 Dr Deborah Brooks 06282007.pdf	4
6117	6118 OI-3 Dr Irene Buckner.pdf	2

6119	6119 OI-3 Johnnie Beamon 01102005.pdf	1
6120	6120 OI-3 Juanita Arrington 01102005.pdf	1
6121	6121 OI-3 Ruby Thompson 01102005.pdf	1
6122	6122 OI-3 Sarah Williamson 01102005.pdf	1
6123	6129 OI-3 Tracy Vance 05292008.pdf	7
6130	6130 OI-3 Virgie Jones 01102005.pdf	1
6131	6132 FBI 302 Jerry Lewis.pdf	2
6133	6192 Memorial Hospice Complaint to AGO 10262006.pdf	60
6193	6194 MFCU REPORT MEDICAID HOSPICE CLAIMS PAID TO CAROL	2
6195	6197 MFCU REPORT MEDICAID HOSPICE CLAIMS PAID TO CAROL	3
6198	6200 OI-3A CAROL'S HOSPICE CORPORATE STRUCTURE [PART II].	3
6201	6204 OI-3A CAROL'S HOSPICE CORPORATE STRUCTURE.pdf	4
6205	6209 OI-3a CM Recordings 06112015.pdf	5
6210	6218 OI-3a Hospice Doctor Exposure.pdf	9
6219	6221 OI-3A PRESERVERS OF LIFE HOSPICE CORPORATE STRUCTURE	3
6222	6223 OI-3A PRESERVERS OF LIFE HOSPICE, LLC CLOSED.pdf	2
6224	6224 OI-3a Review of MCP Provider Application 12132004.pdf	1
6225	6237 OI-3A STARS DATA PART B BILLINGS PRIOR TO MHI HOSPICI	13
6238	6242 OI-3a Surveillance Evidence.pdf	5
6243	6247 OI-3A Surveillance Photos of MHI (09172013).pdf	5
6248	6249 OI-10 (May 2015).pdf	2
6250	6250 OI-102 (May 2015).pdf	1
6251	6251 OI-3a AUSA Approval of Pendleton.pdf	1
6252	6254 OI-3a Dr Brown Business Card.pdf	3
6255	6282 OI-3a Pendleton Arrest 07232015.pdf	28
6283	6283 OI-44 04082015 Phone Call.pdf	1
6284	6284 OI-44 04142015 Phone Call.pdf	1
6285	6287 OI-44 04232015 Phone Call.pdf	3
6288	6290 OI-44 05042015 Text Messages.pdf	3
6291	6292 OI-44 05142015 Text Messages.pdf	2
6293	6294 OI-44 05182015 Text Messages.pdf	2
6295	6297 OI-44 05192015 Text Message and Phone Call.pdf	3
6298	6304 OI-44 05202015 to 05212015 Text Messages.pdf	7
6305	6306 OI-44 06102015 Text Messages.pdf	2
6307	6308 OI-44 06112015 Text Messages.pdf	2
6309	6311 OI-44 MDOC Approval 04302015.pdf	3
6312	6312 OI-44 TFO Snyder 04152015.pdf	1
6313	6313 AdvanceMed onsite notes.pdf	1
6314	6315 Sandanna beneficiary interviews.pdf	2
6316	6326 Linda_Lee's_notes.pdf	11
6327	6331 OI-3A MILESTONE RECORDS VOLUNTARILY PROVIDED BY LI	5
6332	6333 OI-3a Reverse Proffer 01162015.pdf	2
6334	6335 OI-110 Signed.PDF	2
6336	6342 OI-3 CI Contact 10292013.pdf	7
6343	6343 OI-3a 02042015 CI Phone Call.pdf	1
6344	6344 OI-3a 02052014 CI Contact.pdf	1
6345	6353 OI-3a 11182013 Texts from CI.pdf	9

6354	6357 OI-3a 12182013 Texts from CI.pdf	4
6358	6403 Loggins GJ Transcript.pdf	46
6404	6428 Powell GJ Transcript.pdf	25
6429	6492 Delgado GJ Transcript.pdf	64
6493	6543 Brend Douglas GJ Transcript_1.pdf	51
6544	6580 Kemeeka Bolden GJ Transcript_1.pdf	37
6581	6595 Mike Loggins GJ Transcript_1.pdf	15
6596	6623 Shelia Craig GJ Transcript_1.pdf	28
6624	6696 Mike Loggins GJ Transcript_2.pdf	73



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December 27, 2017

Honorable Edward J. Bogen, Jr
McGee & Bogen
110 4th St
Leland, MS 38756-2724

Re: United States of America v. Wendell Brandon, et al
Criminal No. 4:17-CR-131-DMB-JMV

Dear Josh:

Pursuant to the provisions of Rule 16 of the Federal Rules of Criminal Procedure, the United States provides the second rolling discovery production (hereinafter referred to as "Discovery No. 2") to the defense in the above styled and numbered criminal case by attaching hereto the following, to wit:

The following list are the names of the patients identified in the indictment by initials:

Mazie Anderson
Earnestine Tillman
Callie Lee
Eddie Mitchell
Linda Shields
Eddie Clark
Eva Bellmon
Bettie Jean Fox
Turome Davis
Marjorie Brown
Jimmie Brown
Lorraine Horton
Dorothy Johnson
Everleen Stewart

EXHIBIT

2

Bogen Supplemental Discovery Letter
 Re: U.S. v. Wendell Brandon, et al
 4:17-CR-131-DMB-JMV
 December 27, 2017

The Discovery 2 production provided on the attached portable hard drive has been chronologically Bates Stamped as follows:

CATEGORY	PROD BEGDOC	PROD ENDDOC
AGENT REPORTS	1	6357
GRAND JURY TRANSCRIPTS	6358	6696
WITNESS INFO	6697	7384
GENESIS HOSPICE	7385	12533
HAVEN HOSPICE, ET AL	12534	38251
REVELATION HOSPICE	38619	63049
MILESTONE HOSPICE	63050	71102
WORD OF DELIVERANCE	71103	74007
ANGEL OF MERCY	74008	75039
DELTA SOUL	75040	79544
DR NELSON	79545	83060
DR NATE BROWN	83061	83757
MEMORIAL HOSPICE	83758	84807
UNCATEGORIZED	84808	86835
MEDICAL RECORDS FROM PCPS	86836	87376
MEDICAL RECORDS	87376	475008
BANK RECORDS - DR. NATE BROWN	475009	477640
BANK RECORDS - SANDANNA/LIVINGSTON	477641	486658
BANK RECORDS - MILESTONE	486659	495262
BANK RECORDS - PENDLETON	495263	495317
BANK RECORDS - WOD	495318	503238
BANK RECORDS - DR. NELSON	503239	526954
BANK RECORDS - WOD	526955	527556
BANK RECORDS - HAVEN ET AL/BRANDON	527557	527845
BANK RECORDS - REVELATION	527846	527889
BANK RECORDS - HAVEN ET AL/BRANDON	527896	556722
BANK RECORDS - REVELATION	556723	574011
BANK RECORDS - DR. NELSON	574012	583382
BANK RECORDS - ZION	583383	584070
ZION HOSPICE	584071	592861
NATIVE FILES	592862	593404

Each document is provided as a .pdf and labeled with a bates number that corresponds to the attached index in excel format. The index provides a description of the documents and can be searched and sorted. The Index is included on your portable hard drive. The following bates numbers are not used: 38252-38618.